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**SENATE BILL 184**

**46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

**INTRODUCED BY**

**Manny M Aragon**

**AN ACT**

**RELATING TO PUBLIC PROPERTY; RECONCILING MULTIPLE AMENDMENTS IN LAWS 2003.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

Section 1. Section 13-6-2 NMSA 1978 (being Laws 1979, Chapter 195, Section 3, as amended by Laws 2003, Chapter 203, Section 1 and by Laws 2003, Chapter 349, Section 21) is amended to read:

"13-6-2. SALE OF PROPERTY BY STATE AGENCIES OR LOCAL PUBLIC BODIES--AUTHORITY TO SELL OR DISPOSE OF PROPERTY-- APPROVAL OF APPROPRIATE APPROVAL AUTHORITY. --

A. Providing a written determination has been made, a state agency, local public body, school district or state educational institution may sell or otherwise dispose of real or tangible personal property belonging to the state agency,

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1 local public body, school district or state educational  
2 institution. [~~Disposal of real or tangible personal property~~  
3 ~~under this section shall be by negotiated sale or donation to~~  
4 ~~an Indian nation, tribe or pueblo in New Mexico or by~~  
5 ~~negotiated sale or donation to other state agencies, local~~  
6 ~~public bodies, school districts or state educational~~  
7 ~~institutions or through the central purchasing office of the~~  
8 ~~governmental entity by means of competitive sealed bids or~~  
9 ~~public auction or, if a state agency, through the federal~~  
10 ~~property assistance bureau of the general services department.]~~

11 B. A state agency, local public body, school  
12 district or state educational institution may sell or otherwise  
13 dispose of real property:

14 (1) by negotiated sale or donation to an  
15 Indian nation, tribe or pueblo located wholly or partially in  
16 New Mexico, or to a governmental unit of an Indian nation,  
17 tribe or pueblo in New Mexico, that is authorized to purchase  
18 land and control activities on its land by an act of congress  
19 or to purchase land on behalf of the Indian nation, tribe or  
20 pueblo;

21 (2) by negotiated sale or donation to other  
22 state agencies, local public bodies, school districts or state  
23 educational institutions;

24 (3) through the central purchasing office of  
25 the state agency, local public body, school district or state

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1 educational institution by means of competitive sealed bid,  
2 public auction or negotiated sale to a private person or to an  
3 Indian nation, tribe or pueblo in New Mexico; or

4 (4) if a state agency, through the federal  
5 property assistance bureau of the general services department.

6 ~~[B-]~~ C. A state agency shall give the federal  
7 property assistance bureau of the general services department  
8 the right of first refusal to dispose of tangible personal  
9 property of the state agency. A school district may give the  
10 department the right of first refusal to dispose of tangible  
11 personal property of the school district.

12 ~~[C-]~~ D. Except as provided in Section 13-6-2.1 NMSA  
13 1978 requiring state board of finance approval for certain  
14 transactions, sale or disposition of real or tangible personal  
15 property having a current resale value of more than five  
16 thousand dollars (\$5,000) may be made by a state agency, local  
17 public body, school district or state educational institution  
18 if the sale or disposition has been approved by the state  
19 budget division of the department of finance and administration  
20 for state agencies, the local government division of the  
21 department of finance and administration for local public  
22 bodies, the ~~[state department of]~~ public education department  
23 for school districts and the commission on higher education for  
24 state educational institutions.

25 ~~[D-]~~ E. Prior approval of the appropriate approval

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1 authority is not required if the tangible personal property is  
2 to be used as a trade-in or exchange pursuant to the provisions  
3 of the Procurement Code.

4 [E-] F. The appropriate approval authority may  
5 condition the approval of the sale or other disposition of real  
6 or tangible personal property upon the property being offered  
7 for sale or donation to a state agency, local public body,  
8 school district or state educational institution.

9 [F-] G. The appropriate approval authority may  
10 credit a payment received from the sale of such real or  
11 tangible personal property to the governmental body making the  
12 sale. The state agency, local public body, school district or  
13 state educational institution may convey all or any interest in  
14 the real or tangible personal property without warranty.

15 [G-] H. This section shall not apply to:

- 16 (1) computer software of a state agency;
- 17 (2) those institutions specifically enumerated  
18 in Article 12, Section 11 of the constitution of New Mexico;
- 19 (3) the New Mexico state police division of  
20 the department of public safety;
- 21 (4) the state land office or the department of  
22 [~~state highway and~~] transportation [~~department~~];
- 23 (5) property acquired by a museum through  
24 abandonment procedures pursuant to the Abandoned Cultural  
25 Properties Act;

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(6) leases of county hospitals with any person pursuant to the Hospital Funding Act; [~~and~~]

(7) property acquired by the economic development department pursuant to the Statewide Economic Development Finance Act; and

(8) the state parks division of the energy, minerals and natural resources department."

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